579

App. F. IX-4

Previous References.

19 58-59
(CB)

File No. 459-58

Serial Nos. 1

Later References. ✓

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for March 59

SUBJECT

Admissibility of Travelling Allowance & Daily Allowance to the Staff of the Chief Ministers.

Chief Minister's Secretary observed that the file may be closed

WD 010861—GPB—25,000—18-9-59.

REPLY.

To be written on this margin.)

OFFICE OF THE CHIEF MINISTER

NOTE

Dated 29th December 1950.

GENERAL & REVENUE SECRETARIAT 5570 4 JAN 1951

Office of the Chief Minister No. N946 Date of Receipt 30.12.50

CHIEF SECRETARY. 30 DEC 1950 GOVT. OF MYSORE.

1) Kind reference is invited to Appendix "N" Article 480 on page 246 of the M.S.R relating to the admissibility of Travelling Allowance and Daily Allowance to the Dewan whenever he visited Ootacamund. Now that the post of the Dewan is extinct and in its place the post of the Chief Minister has come to stay, I am desired by the Chief Minister to request that the rates of T.A. and D.A. which were admissible to the Dewan whenever he visited Ootacamund, may kindly be arranged to be made applicable to the Chief Minister under similar circumstances. Necessary action may kindly be arranged to be taken to issue suitable amendments to the M.S.R.

FINANCIAL SECRETARY 30 DEC 1950 GOVT. OF MYSORE.

GENERAL & REVENUE DEPARTMENT 3400/PL. 3 JAN BANGALORE.

Chief Secretary). 29.12.50

2) A note has already been sent to F/D 5605. 30/12

Sec. Secy) yes

CHIEF SECRETARIAT 9348 3 JAN GOVT. OF MYSORE.

3) yes; and the note of the F.D will be sent shortly

Ch. Secy) 30/12/50

3/1

3/1

Sec. K.L.A.) 4/1/51

Re Admissibility of T.A. and D.A. to the Chief Ministers in connection with his visit to Coimbatore

24/00
FE

5,579
C.B

4) Submitted:-

This may be sent to Fin Dept for kindly Sanction ~~Sanction~~ the note referred to in para 3 supra if the same is ready.

Asst Secy)
Fin WC

15/1/51

5) DMR
15/1/51

15.1.51. Myll

6) 16/1

7) Mere amendment of M.S.R. & Substitution of the post of the Chief Min. to that of the Person in Appendix 'N' of M.S.R. may not give the benefits of this Appendix now, since M.S.R. is not Statutory — the Constitution requires the approval of the Legislature for grant of Salaries & allowances to the Ministers of the State and the constitution does not make difference between the Chief Min & the other Ministers of the State. So far as the Salaries & allowances are concerned.

Art. 164 (5) of the constitution reads as follows:

"The Salaries & allowances of Ministers shall be such as the Legislature of the State may from time to time by law determine — and until the Legislature of the State so determines, shall be as specified in the Second Schedule."

and clause 6 of Second Schedule reads as follows:-

"There shall be paid to the Ministers for any State specified in part A or part B of the First Schedule such Salaries or allowances as were payable to such Ministers for the corresponding province or the corresponding Indian State, as the case may be, immediately before the Commencement of the Constitution."

29/1

Serial No.

8) So far as Salaries & allcs are concerned Constitution makes no distinction between the Chief Min & other Ministers & after the Commencement of the Constitution the Salaries & allowances of the Ministers may have been determined by the State Legislature & whether the Salaries & allcs includes T.A & D.A. also may have to be examined now if T.A & D.A are included in the Salaries, allcs then the approval of the Legislature will be ~~necessary~~ necessary before Appendix N of M.S.R. is amended to give the benefits (previously granted to the Dewan) to the Chief Min ; otherwise approval of the council to amend the rules in M.S.R. will be enough. In either case the details can be examined after ascertaining from the Legislation Br. as to whether the Salaries & allcs of the Ministers has been determined in the Legislature & also as to whether Salaries & allcs includes T.A & D.A. & also ~~[illegible]~~ as to the Legislative implications of the issue in question. Such an examination of the issue is proposed to safeguard against the audit objections that may arise in future. Recently there was a letter from the Auditor-General of India issuing certain instructions re: grant of T.A & D.A. to the Ministers, a copy of which has been sent to all the Ministers & the file (D.O. No. 3401/St Sent to the Chief Secy on 12/1/51) is not yet returned & the instructions in that letter may enable us to examine the

NOTE—Contn. Sheet.

issue in question better & the Chief Secy may therefore be requested to return that file.

9) Whether the Chief Ministers & the neighbouring States also entitled to visits to Hill Stations & the rates & T.A & D.A. in such cases are not known & if approved some of the neighbouring States like Bombay, Madras Travancore - cochin will be addressed in this behalf

(available here)

29/1/51 As seen from the Rules for Madras and Bombay, there are no special rates for Hill Stations. Since the Indian Constitution does not maintain any distinction between chief and other Ministers and since the Salary and allowances including T.A. have to be fixed by the legislature it would be better if a Consolidated bill covering Salary and allowances including T.A. is got prepared. If orders are passed, details regarding T.A. will be furnished, that relating to Salary and other allowances being furnished by C-B. If on the other hand it is decided that there is no need to approach the legislature; ~~a~~ ~~orders~~ ~~app~~ Council rule will be put up accordingly.

Asst Secy

Joint Secy

Dy Secy

30/1/51

Office of the Chief Minister
No 9323
Date of Receipt 30/1/51

Serial No.

"Paras 7 to 10 of notes above explain the existing position viz-a-vis the Constitution. The term "Salaries & allowances" include T.A also In this view, any Change in the existing rules relating to T.A of the Ch. Ministers may have to go before the Legislature. The Law Dept may be consulted on the correctness of the view.

7/2/51

10/2/51.

Law Secy)

Law Dy.
RSJ
12.2.51
MG 10/2

The office of the Dewan has become extinct after the inauguration of the Constitution of India; The rights and privileges attached to the said office have also become extinct since then. The H'ble Ministers hold their office now by virtue of specific provisions in the Constitution of India which decide their constitutional position and status, (vide Articles 163 and 164, Constitution of India)

Article 164(5) however provides that the salaries and allowances of the ministers shall be such as the Legislature of the State may from time to time by law determine and until the Legislature of

NOTE—Contn. Sheet.

3548/FL

4759/Law

TA.DA to A.H. Chief Minister.

File No. of 19

General and Revenue Secretariat

Serial No.

the State so determines ~~xxxxx~~ shall be as specified in the Second Schedule. There appears to be no legislative enactment in Mysore governing the salaries and allowances of the Hon'ble Ministers. In the absence of any such legislative enactment, the salaries and allowances are governed by the provisions of Clause(6), Second Schedule, Constitution of India which provides that the ministers shall be paid such salaries and allowances as were payable to such ministers immediately before the commencement of the Constitution. There appears to be, therefore, no objection to the Hon'ble The Chief Minister and the other Hon'ble Ministers drawing the same salaries and allowances as were payable to them prior to the commencement of the Constitution. Whether the Hon'ble the Chief Minister had claimed and drawn the allowances on the same scale as were payable to the Dewan prior to 26-1-1950, is however a matter for verification by the Administrative Secretariat. If however, the allowances were drawn on the same scale as were payable to the Dewan, there appears to be no objection to claim the same now as provided in Clause (6) of the Second Schedule, ~~subject however to a~~ in the absence of any separate enactment being passed by the Legislature in this behalf.

A.

B

Law Secy) 15/2

With reference to A. it is to be stated that a bill regulating the salaries and allowances to be paid to the Hon'ble (ministers) was placed before the Legislative assembly and is passed. The same has been sent for the gracious assent of His Highness the

2 A

10 BIP 15 FEB 1951

36 A.S. L.75 9

Maharaja. Its receipt in the branch is being awaited. The salaries and allowances to be paid to the Hon'ble ministers were fixed under a govt order soon after they assumed charge of the ministry. I think that no distinction was made in this regard between the salary and allowances that are to be paid to the Chief minister and those that are to be paid to the other ministers. In accordance with the observation made at B supra there is no objection to pay the allowances as were being paid immediately prior to the Constitution in accordance with the govt order quoted above. So far as T.A. & D.A. are concerned The M.S.R. is being observed.

G.O. No 2999/C.B.113×47-2, dt 15-11-47.

Jail Secy WRC) 26/2

I agree with the above view

Min. Law. Min. Fin. Ch. Min.) 4.3.51

2/3

2/3

I take it that the new Act provides for visits to places such as Ooty.

6/3/51

Law Secy) 8/3/51.

8/3

8/3/51.

It is most respectfully submitted That in the first sentence of my note

8/3.

FINANCIAL ADVISER

OFFICE OF THE MINISTER FOR FINANCE & INDUSTRIES. No. 7029 Date 3.3.51

FINANCIAL ADVISER

TA-DA & H'ble Minister 1485/AD.6759/Leav

submitted

If approved the Legislative Dept will be requested kindly furnish the information on the point referred by the H'ble Minister for Finance

submitted

Asst. Secy (Legis) 12/3

MMS 10/3

It is most respectfully submitted that in the first sentence of my note (Copy) by a small mistake has crept in one to a slip of hand. Instead of Hon'ble ministers it should have been Hon'ble members. But this clerical error does not affect the position taken in the note. The new Act does not relate to the salaries of ministers but only those of the Hon'ble members. As stated in the note the salaries of the Hon'ble ministers are governed by the G.O. passed on 15.11.47. and the T.A. and D.A. are governed by M.S.R.

I may also add that the present Act when it was originally prepared, as a bill contained provisions relating to the salaries of the and allowances of the ministers also. But the instruction of the Council was to restrict it to the allowances and salaries of the members only. The Connected file is also linked to this proposal.

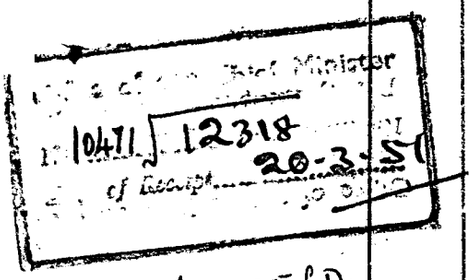
OFFICE OF THE MINISTER FOR FINANCE & INDUSTRIES. No. 7211 Date 13-3-57

1859/14/3 MMS 14/3 MMS 17/3 H.C.D 13/3/57 Minister for Fin 1859 1/2/57

LD/1485

T-A & DA. to his Hon'ble Chief Minister during his visit to Coimbatore

Serial No.



Linked file 1485 LD.
Returned to the Law Secy to Govt to-day as he wanted it urgently.
DB
22/3/57.

NOTE—Contn. Sheet.

Seen and returned
The file may kindly be
sent to the chief minister ~~office~~
in the usual course

Asst Secy
Finance (W/P)

30/1/51

30/1/51

5787
CB

Hon'ble Chief Minister's Instructions.

****

1) The provision that applied to the Dewan in the matter of his visit to Ooty, for example, T.A. & D.A. etc., was applied to the case of the Chief Minister also. I remember that - T.A.Bills were being prepared on that basis in the past. This also may be examined and the previous practice covered by a - suitable Government Order. It is necessary that this matter is to be finalised as T.A.bills for June & July are pending - owing to an audit objectio

~~The case is~~

2) For favour of taking necessary further action.

3) A note on the similar subject was sent about a fortnight back. This note as well as the Chief Secretary's note, I am given to understand has been referred to the Financial Branch.

4) The matter may kindly be got expedited and result of action may kindly be intimated to this office for submission to the Hon. the Chief Minister

Asst Secy)
C.B. w/c

HMS
15/1/51

Submitted.

5) Under cl (5) of Art. 163 of the Constitution of India, the Salaries and allowances of Ministers shall be such as the Legislature of the State by law determine

6) As the Legislature has not yet determined the Salaries and allowances of the Ministers

Office of the Chief Minister
No. M 1120
Date of receipt 15.1.51

GENERAL & REVENUE SECRETARIES
15 JAN 1951
CONFIDENTIAL BRANCH.

Sri K.L.M.)

Re: Regulating the T.A. and D.A. admissible to the Chief Ministers. 3648 / 57 - 5787 C.D.

The salaries and allowances of the Ministers shall be as specified in ~~the clause (b) of sub-section~~ in the Second Schedule of the constitution of India - which reads as follows: -

"There shall be paid to the ~~respective~~ Ministers for any State in ~~Part A or Part B~~ of the ~~1st~~ Schedule ~~and to the Advocate-General for the State~~ such salaries and allowances as were payable to such Ministers for the corresponding province or the corresponding Indian State, as the case may be, immediately before the commencement of this constitution."

2) If the provision that applied to the Dewan in the matter of T.A. and D.A. has to be applied in case of the Chief Ministers, the matter has to go before the Legislature.

~~3) Submitted with reference to para 1.~~

18/1/57 It does not appear to be practicable to take action as suggested except as the result of an Act of the Legislature.

If considered necessary, Law Secy. may be consulted to ascertain the Constitutional position.

(Chief Secy) Asst 19.1.57

18.1.57. The A/O has said that action is being taken on a note sent by me. This may also be sent and Continued

Asst Secy (Fin Dept) 20/1 Secretariat 22/1/57

CHIEF SECRETARY 990 GOVT. OF MYSORE

General and Revenue Secretariat

Re: Regulating the T. A. and D. A admissible to Ch. of Missions

File No.

App. F. III-2

D 010975- GPB—2,000—20 7-50

Serial No.

5787
c.b3

Please see paragraph 7 to 9 in file Dno 3400/SE

5579/CB places in this file.

May 1959

Re: Regulating the T.A. and D.A
admissible to the Chief Minister

File No. of 19

General and Revenue Secretariat

5787 - B

Serial No.

5790
CB

Hon'ble Chief Minister's Instructions.

****

1) Some of the orders that pertained to the Dewan's Office before August 5th 1949 relating to the establishment of the - Office and T.A.etc., are being applied to the Chief Minister's Office. It is to be examined whether specific Government Orders have been passed ~~kkk~~ to that effect duly. If not, the same has got to be done with restrospective effect. Necessary steps may be taken in this behalf after consulting the Chief Secretary."

2) The Chief Secy is on leave.

3) For favour of taking necessary further action and intimating this office are directed for submission to the hon: the chief minister.

Asst Secy
C.B 19/1

Hms
15/1/51

Office of the Chief Minister
No. M1128
Date of Receipt 15.1.51

Submitted.

4) Before taking action in C.B. the office of the Chief Minister may be requested to specify the items on which orders have to be obtained — with reference to the special amenities allowed to the establishment of the ex-Dewan's Office, which are continued to the Office establishment of the Hon'ble Chief Minister

5) Action will have to be taken on some of these points by the Accts. Branches.

P.S to Ch. Min
19/1

6) Hms
19/1/51

18.1.51.

GENERAL & REVENUE SECRETARIAT
15 JAN 1951
CONFIDENTIAL BRANCH

Sri N.L.M

Office of the Chief Minister
No .....
Date of Receipt 19/1/51

Re T. A. for the establishment of the office of the Chief Minister.

5790 C.B.

5790 C.A.

7) Extract of para 4 of letter dated 26.12.50 from the Auditor General Simla to the Accountant General Mysore is given below:

"The members of the staff who accompany a minister under his orders are only carrying out their duties and their journey must therefore be regarded as duty for which they would be entitled to T.A. under the rules."

8) In the light of the above ruling, it does not appear to be necessary to take any further action, as the establishment of the Chief minister's Office will be entitled to the rates of T/A and D/A authorised by the MSR in place outside mysore.

9) For favour of opinion

Asst Secy
C.S. W/C

Hms
30/1/51

10) C. B. has no remarks to offer in the matter.

31.1.51.

Pvt Secy
to CM
W/C

11) Hms
31/1/51

GENERAL & REVENUE SECRETARIAT
31 JAN 1951
CONFIDENTIAL BRANCH.

Office of the Chief Minister
No .....
Date of Receipt 1/2/51

12) Submd for kind perusal

Hms
2/2/51.

CHIEF SECRETARY,
6 FEB 1951
GOVT. OF MYSORE

See note at P

13) The Chief Sec to please speak to me.

CHIEF SECRETARY,
6 FEB 1951
GOVT. OF MYSORE

14) C.B.

Please put this up when both the Ch. Secy and the Hon Ch. Min are at H.Q.

RCC
4/2/51

7.2.51.

7.2.51

Re: T.A. etc. to the establishment of the office of Chief Ministers

General and Revenue Secretariat | File No. 5790 of 19 | [App. F. III-2

WD 010852—GPB—30,000—14 7-50

Serial No.

GENERAL & REVENUE SECRETARIAT * FINANCE * BANGALORE
Dia 3927
21 FEB 195

CHIEF SECRETARY 1092 19 FEB 1951 GOVT OF MYSORE

20 FEB 1951

7166.

15) Submitted with reference to para 14 supra

17/2/51.

16 Chief Secy)

17. I had sent a note on the same matter sometime in Jany. to F/D. May I know what action has been taken thereon

19.2.51

A/S. 7-D)

19.2.51

19.2.57

18 A note explaining the position after the constitution was got up & the file (at 3400 ✓ 3648) was sent to the Law Secy. on 12/2/51. The file may be with the Law Secy or in the Legis. Branch.

23/2

19 Pl bring up at once

23/2/57

20 The note Legs to has been sent to the Law Secy as noted at para 18 above. Call a note by F/D explaining the difficulty in extending the 8½ special Concessions to the Deputy to the Hon'ble Chief Minister, without legislation sanction

Chief Secy 26/2/57

27/2

CHIEF SECRETARY 1092 27 FEB 1951 GOVT OF MYSORE

Office of the Chief Minister
No. 1047
Dated 28.2.57
NOTE—Contn. Sheet.

File No. 5780/Ch of 19

General and Revenue Secretariat

Serial No.

22) This file may be sent not be journeed further but may be closed.

Rec 24/5/57

Ch.S

B

by 23/5/57

23/5/57